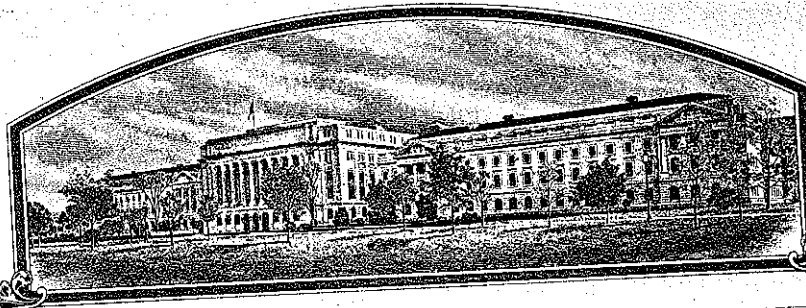


No.

7900086



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

**Dessert Seed Company, Inc.**

Whereas, THERE HAS BEEN PRESENTED TO THE  
**Secretary of Agriculture**

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF *seventeen* YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXHIBIT IT, OR EXPORTING IT, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

ONION

'New Mexico White Grano PRR'



In Testimony Whereof, I have hereunto set  
my hand and caused the seal of the Plant  
Variety Protection Office to be affixed  
at the City of Washington  
this 18th day of October in  
the year of our Lord one thousand nine  
hundred and seventy-nine

Attest:

*[Signature]*  
Commissioner  
Plant Variety Protection Office  
Grain Division  
Agricultural Marketing Service

*[Signature]*  
Secretary of Agriculture

7900086

O'MELVENY & MYERS

400 SOUTH HOPE STREET  
LOS ANGELES, CALIFORNIA 90071-2899  
TELEPHONE (213) 669-6000  
FACSIMILE (213) 669-6407

EMBARCADERO CENTER WEST  
275 BATTERY STREET  
SAN FRANCISCO, CALIFORNIA 94111-3305  
TELEPHONE (415) 984-8700  
FACSIMILE (415) 984-8701

1999 AVENUE OF THE STARS  
LOS ANGELES, CALIFORNIA 90067-6035  
TELEPHONE (310) 553-6700  
FACSIMILE (310) 246-6779

610 NEWPORT CENTER DRIVE  
NEWPORT BEACH, CALIFORNIA 92660-6429  
TELEPHONE (714) 760-9600  
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555 13TH STREET, N.W.  
WASHINGTON, D. C. 20004-1109

TELEPHONE (202) 383-5300

TELEX 89622 • FACSIMILE (202) 383-5414

March  
16th  
1 9 9 5

CITICORP CENTER  
153 EAST 53RD STREET  
NEW YORK, NEW YORK 10022-4611  
TELEPHONE (212) 326-2000  
FACSIMILE (212) 326-2061

ONE GATEWAY CENTER  
NEWARK, NEW JERSEY 07102  
TELEPHONE (201) 639-8600  
FACSIMILE (201) 639-8630 • 639-8631

10 FINSBURY SQUARE  
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FACSIMILE (0171) 638-8205

SANBANCHO KB-6 BUILDING  
6 SANBANCHO, CHIYODA-KU  
TOKYO 102  
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FACSIMILE (03) 3239-2432

1104 LIPPO TOWER  
LIPPO CENTRE  
89 QUEENSWAY, CENTRAL  
HONG KONG  
TELEPHONE (852) 523-8266  
FACSIMILE (852) 522-1760

WRITER'S DIRECT DIAL NUMBER

(202) 383-5350

**VIA FEDERAL EXPRESS**

Plant Variety Protection Office  
U.S. Department of Agriculture  
NAL Building, Room 500  
10301 Baltimore Boulevard  
Beltsville, Maryland 20705-2351

QUR FILE NUMBER  
410,894-14  
DC1-211237.V1

Attn: Ms. Ann K. Zempolich

Re: **Assignment of Plant Variety Protection Certificates  
Owned by Sunseeds Company to Internationale  
Nederlanden (U.S.) Capital Corporation, as agent for  
the Lenders party to the Amended and Restated Credit  
Agreement Referred to Below**

Dear Ladies and Gentlemen:

Enclosed please find an originally executed copy of each of (i) the Amended and Restated Security Agreement (the "Security Agreement") dated as of March 14, 1995 by and between Sunseeds Company, a Delaware corporation (formerly known as Sunseeds Acquisition Corporation) ("Sunseeds"), and Internationale Nederlanden (U.S.) Capital Corporation, a Delaware corporation ("ING"), as agent for the Lenders party to the Amended and Restated Credit Agreement referred to below (in such capacity, the "Agent") and (ii) the Amended and Restated Plant Variety Certificates Collateral Assignment (the "Assignment") dated as of March 14, 1995 by and among Lehman Commercial Paper Inc., a New York corporation ("Lehman"), ING, as Agent, and Sunseeds. The Security Agreement and Assignment are provided for recordation of the assignment to ING, as Agent, of the 26 plant variety protection certificates ("PVPCs") listed in Schedule I of the Assignment in accordance with 7 U.S.C. § 2531 and 7 C.F.R. § 97.130.

The PVPCs subject to the Assignment were assigned to Lehman, as agent for the lenders party to that certain Credit Agreement (the "Original Credit Agreement") dated as of March 31, 1994 by and among Sunseeds, Sunseed Corporation, a Delaware corporation (the Co-Borrower), Lehman, as agent, and the lenders

# SCHEDULE I

## PVPCs

### COLLATERAL ASSIGNMENT - PLANT VARIETY PROTECTION CERTIFICATES

PV#	Crop Kind	Name of Variety	Certificate Issue Date	Expiration Date
8100077	Tomato	Castlong ug	11/26/82	11/26/2000
8100078	Tomato	Castlerock	11/26/82	11/26/2000
8200139	Tomato	Castle Red	11/26/82	11/26/2000
7900076	Onion	Colossal	10/18/79	10/18/1996
7900086	Onion	New Mexico White Grano PRR	10/18/79	10/18/1996
7900117	Onion	New Mexico Yellow Grano PRR	01/29/80	01/29/1997
8000039	Onion	Red Sunset	07/31/80	07/31/1997
8000040	Onion	Blanco Duro	07/31/80	07/31/1997
8000041	Onion	Brooks PRR	07/31/80	07/31/1997
8000159	Onion	Texspan PRR	06/11/81	06/11/1999
8000161	Onion	Early Grand PRR	07/30/81	07/30/1999
8100128	Onion	Glory	04/28/83	04/28/2001
8100129	Onion	Paradise	04/28/83	04/28/2001
8100130	Onion	Regal	04/28/83	04/28/2001
8100166	Onion	Sweet Winter	11/26/82	11/26/2000
8300083	Onion	Crystal Wax Pickling	12/30/83	12/30/2001
9100045	Tomato	Sun 6095	01/31/92	01/31/2010
7600052	Lettuce	Chaparral	05/16/77	05/16/1994
7600053	Lettuce	Costaverde	08/24/77	08/24/1994
7600054	Lettuce	Gustaverde	08/24/77	08/24/1994
7600055	Lettuce	Mesaverde	05/31/77	05/31/1994
7900067	Lettuce	Commander	07/26/79	07/26/1996
8500064	Tomato	Mystro	09/30/87	09/30/2005
8700194	Tomato	Sun 1643	11/29/91	11/29/2009
8800057	Pepper	Prima Belle	09/30/88	09/30/2006
8300168	Okra	Cajun Queen	09/27/85	09/27/2003

Each of the above-referenced Plant Variety Protection Certificates are owned by Sunseeds Company (formerly known as Sunseeds Acquisition Corporation), a Delaware corporation.

listed therein, pursuant to that certain Plant Variety Certificates Collateral Assignment (the "Original Assignment") dated as of March 31, 1994 by and between Sunseeds and Lehman, as agent for such lenders. The Original Credit Agreement was amended and restated pursuant to that certain Amended and Restated Credit Agreement dated as of March 14, 1995 by and among Sunseeds, the Co-Borrower, the Lenders, ING, as Agent, and Lehman, to provide for, among other things, the resignation of Lehman as agent and the appointment of ING as successor agent thereto. In connection therewith, the Security Agreement and the Assignment were entered into to amend and restate that certain Security Agreement dated as of March 31, 1994 by and between Sunseeds and Lehman, as agent for the lenders party to the Original Credit Agreement, and the Original Assignment and to reflect the appointment of ING as Agent.

From my telephone conversations with Ms. Ann K. Zempolich and Dr. Kenneth H. Evans of your office, it is my understanding that you will file a copy of this entire cover letter and a copy of Schedule I in the folder of each PVPC listed in Schedule I by placing the copies immediately behind each PVPC in order to notify anyone examining these PVPCs of ING's interest, as agent, in them and refer the examiner to the Security Agreement and Assignment filed in the Assignment Drawers of the Plant Variety Protection Office. Please take this action and any other steps necessary and appropriate to record the assignment in compliance with 7 U.S.C. § 2531 and 7 C.F.R. § 97.130.

To acknowledge your receipt of this letter, the Security Agreement and Assignment, please sign the enclosed copy of this letter on the designated signature line and return the signed copy to me in the enclosed prepaid Federal Express envelope. Thank you for your assistance.

Sincerely,



Ellen Waldorf  
for O'MELVENY & MYERS

EW/pt  
Enclosure

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
LIVESTOCK, POULTRY, GRAIN & SEED DIVISION

FORM APPROVED  
OMB NO. 40-R3822

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: See Reverse.

No certificate for plant variety protection may be issued unless a completed application form has been received (5 U.S.C. 553).

1a. TEMPORARY DESIGNATION OF VARIETY  NEW MEXICO WHITE GRANO PRR		1b. VARIETY NAME  same		FOR OFFICIAL USE ONLY PV NUMBER 7900086	
2. KIND NAME  ONION		3. GENUS AND SPECIES NAME  ALLIUM CEPA		FILING DATE 6-12-79	TIME 9:00 <u>A.M.</u> P.M.
4. FAMILY NAME (BOTANICAL)  LILIACEAE		5. DATE OF DETERMINATION  MAY, 1977		FEE RECEIVED \$ 500.00 \$ 250.00	DATE 6-12-79 9-10-79
6. NAME OF APPLICANT(S)  DESSERT SEED COMPANY, INC.		7. ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) P.O. Box 181 El Centro, CA. 92243		8. TELEPHONE AREA CODE AND NUMBER (714) 352-2081	
9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: (Corporation, partnership, association, etc.) DESSERT SEED COMPANY, INC.		10. IF INCORPORATED, GIVE STATE AND DATE OF INCORPORATION CA 1955		11. DATE OF INCORPORATION 1955	
12. NAME AND MAILING ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS: A. M. DESSERT c/o DESSERT SEED COMPANY, INC.					

13. CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:

- ☒ 13A. Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.)
- ☒ 13B. Exhibit B, Novelty Statement.
- ☒ 13C. Exhibit C, Objective Description of the Variety (Request form from Plant Variety Protection Office.)
- ☒ 13D. Exhibit D, Additional Description of the Variety.

14a. DOES THE APPLICANT(S) SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED? (See Section 83(a). (If "Yes," answer 14B and 14C below.) ☐ YES ☒ NO

14b. DOES THE APPLICANT(S) SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? ☐ YES ☐ NO

14c. IF "YES," TO 14B, HOW MANY GENERATIONS OF PRODUCTION BEYOND BREEDER SEED? ☐ FOUNDATION ☐ REGISTERED ☐ CERTIFIED

15a. DID THE APPLICANT(S) FILE FOR PROTECTION OF THIS VARIETY IN OTHER COUNTRIES? ☐ YES ☒ NO (If "Yes," give name of countries and dates.)

15b. HAVE RIGHTS BEEN GRANTED THIS VARIETY IN OTHER COUNTRIES? ☐ YES ☒ NO (If "Yes," give name of countries and dates.)

16. DOES THE APPLICANT(S) AGREE TO THE PUBLICATION OF HIS/HER (THEIR) NAME(S) AND ADDRESS IN THE OFFICIAL JOURNAL? ☒ YES ☐ NO

17. The applicant(s) declare(s) that a viable sample of basic seed of this variety will be furnished with the application and will be replenished upon request in accordance with such regulations as may be applicable.

The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced novel plant variety, and believe(s) that the variety is distinct, uniform, and stable as required in Section 41, and is entitled to protection under the provisions of Section 42 of the Plant Variety Act.

Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

6-7-79  
(DATE)

(SIGNATURE OF APPLICANT)

(DATE)

(SIGNATURE OF APPLICANT)

## INSTRUCTIONS

**GENERAL:** Send an original copy of the application and exhibits, at least 2,500 viable seeds, and \$500 fee (\$250 filing fee and \$250 examination fee) to U.S. Dept. of Agriculture, Agricultural Marketing Service, Livestock, Poultry, Grain and Seed Division, Plant Variety Protection Office, National Agricultural Library Building, Beltsville, Maryland 20705. (See section 180.175 of the Regulations and Rules of Practice.) Retain one copy for your files. All items on the face of the form are self-explanatory unless noted below.

### ITEM

- 5 Give the date the applicant determined that he had a new variety based on (1) the definition in section 41(a) of the Act and (2) the date a decision was made to increase the seed.
- 13a Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method; (2) the details of subsequent stages of selection and multiplication; (3) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified and (4) evidence of uniformity and stability.
- 13b Give a summary statement of the variety's novelty. Clearly state how this novel variety may be distinguished from all other varieties in the same crop. If the new variety most closely resembles one or a group of related varieties: (1) identify these varieties and state all differences objectively; (2) attach statistical data for characters expressed numerically and demonstrate that these differences are significant; and (3) submit, if helpful, seed and plant specimens or photographs of seed and plant comparisons clearly indicating novelty.
- 13c Fill in the Exhibit C, Objective Description form, for all characteristics for which you have adequate data.
- 13d Describe any additional characteristics that are not described, or whose description cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the description of characteristics that are difficult to describe, such as, plant habit, plant color, disease resistance, etc.
- 14a If "YES" is specified (seed of this variety be sold by variety name only as a class of certified seed) the applicant may NOT reverse his affirmative decision after the variety has either been sold and so labeled, his decision published, or the certificate has been issued. However, if the applicant specified "NO," he may change his choice. (See section 180.16 of the Regulations and Rules of Practice.)
- 15a See section 42 of the Plant Variety Protection Act and section 180.7 of the Regulations and Rules of Practice.

EXHIBIT A  
ORIGIN AND BREEDING HISTORY OF THE VARIETY  
NEW MEXICO WHITE GRANO PRR

The variety New Mexico White Grano was brought to the United States from Spain many years ago by the New Mexico Agricultural Experiment Station. It has been illustrated and described in many different publications. It is one of the so called intermediate types, maturing about one month later than the short day varieties like Texas Early Grano 502 and a month or so earlier than the long day types like Sweet Spanish. While a very productive variety, where adapted, the regions where it is adapted are rather limited. The chief drawback at the presnet time is its susceptibility to Pink Root (*Pyrenochaeta terrestris*).

To incorporate resistance it was necessary to cross in some variety that already had resistance, but there were no resistant varieties that matured at the same time so we had to use an Onion of a different maturity date. We decided to use White Grano PRR, while it is very similar to N.M.W.G. expect for time of maturity.

- 1972 The first crosses were made in 1972 between White Grano PRR and N.M.W.Gr. The fall of 1972 the F-1 seed was planted in the increase block. The F-1 plants are pink root susceptible or they were grown on pink root free soil.
- 1973 In 1973 Bulbs were harvested and stored in hampers in an open shed over summer, then planted in the breeding block about October 20.
- 1974 The F-1 plants were emasculated and backcrossed to the recurrent parent N.M.W.G. The backcrossed seed was planted back in pink root free soil that same fall.
- 1975 Bulbs of the backcross (White Grano PRR x N.M.W.G.) N.M.W.G. were grown in 1975, harvested and stored. Before planting those bulbs were selected that most resembled the recurrent parent. Bulbs were planted in the breeding block.
- 1976 Individual backcross plants were selfed using metal screen cages and flies to do the pollinating. The selfed backcross seed was planted in pink root infested soil in October.
- 1977 The pink root readings are made at the time the bulbs are harvested after the tops have just fallen and while still green. About one half of the selfed backcrosses are susceptible and discarded. The remaining lines had one fourth of the plants resistant and three fourths susceptible. Only those bulbs were saved that were resistant and were of good type. The best bulbs were planted that fall in cage 97 for increase. This is 12 x 24 ft. cage.
- 1978 When onions start to flower, the cage is covered with plastic screen and a hive of bees introduced to do the pollinating.

EXHIBIT A  
ORIGIN AND BREEDING HISTORY OF THE VARIETY  
NEW MEXICO WHITE GRANO PRR

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Only 1 3/16 lbs. of seed was obtained from cg. 97 because of poor bee activity. Seed from the cage was planted for increase the fall of 1978.

1979 Seed from 1978 harvest were grown out in the pink root plot and all were resistance to pink root.



ADDENDUM TO EXHIBIT A

New Mexico White Grano PRR is quite uniform and stable. It resembles New Mexico <sup>WHITE</sup> Yellow Grano in all respects. There is a slight variance in the top shape of the Onion, some are a little more pointed than others. Otherwise, there are no other variants.

*Variance is less than 5%.*

*see letter August 20, 1979*

*JET*

*790828*

EXHIBIT B  
NOVELTY STATEMENT

New Mexico White Grano PRR is resistant to pink root (*Pyrenochaeta terretris*) and common strain of Yellow Dwarf. It also is single centered, plant growth, tops and size and Onions most similar to New Mexico White Grano. New Mexico White Grano regular is not single centered, it will have many Onions with two or three growing points in the center of the Onion, but it is resistant to Yellow Dwarf.

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EXHIBIT C  
OBJECTIVE DESCRIPTION OF THE VARIETY

New Mexico White Grano Pink Root Resistance when grown on pink root infested soil will give a very good crop of Onions making same size bulb as regular New Mexico White Grano grown on clean soil. Also it is single center and we think a little better storage life.

OBJECTIVE DESCRIPTION OF VARIETY  
ONIONS (ALLIUM CEPA L.)

REFERENCES: See Reverse.

NAME OF APPLICANT(S)

DESSERT SEED COMPANY, INC.  
ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code)

P.O. Box 181  
El Centro, CA. 92243

FOR OFFICIAL USE ONLY

PVPO NUMBER

7900086

VARIETY NAME OR TEMPORARY  
DESIGNATION

New Mexico White Grano PPK

Place the appropriate number that describes the varietal character of this variety in the boxes below.

Place a zero in first box (e.g. 0 8 9 or 0 9 ) when number is either 99 or less or 9 or less.

1. TYPE:

1 1 = BULB 2 = BUNCHING 1 1 = SHORT DAY 2 = LONG DAY

1 5 TO 4 0 DEGREES MEAN LATITUDE - ADAPTATION RANGE

2 Maturity (days): 1 = EARLY (75 - 90) 2 = MEDIUM (100 - 120) 3 = LATE ( > 130)

2. PLANT

9 6 CM. HEIGHT ABOVE SOIL LINE TO HIGHEST POINT OF ANY FOLIAGE

1 7 CM. TALLER THAN Bermuda (Comparable variety)

0 0 CM. SHORTER THAN Grano 502 (Comparable variety)

3 1 = ERECT (Spartan Gem) 2 = INTERMEDIATE 3 = FLOPPY (Epoch)

3. LEAF:

9 8 CM. LONG (before maturity yellowing begins)

2 1 MM. WIDE 1 2 MM. THICK AT MIDLENGTH OF LONGEST LEAF

1 Color: 1 = LIGHT GREEN (Early Grano) 2 = MEDIUM GREEN (Yellow Bermuda)  
3 = BLUE GREEN (Australian Brown U.C. No. 1)

2 Bloom: 1 = NONE - glossy 2 = LIGHT (Early Grano) 3 = MEDIUM (Crystal Wax) 4 = HEAVY (California Early Red)

4. SHEATH:

6 0 MM. COLUMN LENGTH (Height from soil line to base of lowest succulent leaf) 3 0 MM. DIAMETER AT MIDLENGTH

5 0 Scape: CM. FROM SOIL LINE TO BASE OF INFLORESCENCE

2 2 Scape: MM. DIAMETER AT MIDLENGTH

5. INFLORESCENCE:

Umbel (for seed production)

9 MAXIMUM NO. PER PLANT 4 MINIMUM NO. PER PLANT 6 AVERAGE NO. PER PLANT

6 0 MM. DIAMETER 2 1. COMPACT 2 = LOOSE/OPEN 3 = SHAGGY

2 Spathes: 1 = LONG BEAK 2 = SHORT BEAK 2 Flower Color: 1 = WHITE 2 = GREEN 3 = BRIGHT GREEN

8 MM. ANTHER LENGTH

3 Anther Color: 1 = LIGHT GREEN 2 = DARK GREEN 3 = YELLOW 4 = PALE YELLOW 5 = CHOCOLATE 6 = RED

2 Pollen Viability: 1 = STERILE 2 = FERTILE 1 Sepal Shape: 1 = LONG POINTED 2 = ROUND SHORT

## 6. BULB:

AVERAGE NUMBER BULBS PER METER

Size (Harvest): 1 = SMALL (Red Creole) 2 = MEDIUM (Australian Brown U.C. No. 1) 3 = LARGE (Early Grano)

Shape (see attached chart): 1 = GLOBE (White Sweet Spanish) 2 = DEEP GLOBE (Abundance)  
3 = FLT. GLOBE (Australian Brn. U.C. No. 1) 4 = TOP SHAPE (Texas Grano 502)  
5 = DEEP FLAT (Granex) 6 = THICK FLAT (Ebenezer)  
7 = FLAT (Crystal Wax) 8 = TORPEDO-LONG OVAL (Italian Red)

CM. HEIGHT   CM. DIAMETER = 1.2 SHAPE INDEX

1 = INVAGINATE 2 = EVAGINATE

Color (Skin): 01 = BROWN (Australian Brn. U.C. No. 1) 02 = PURPLISH RED (Italian Red)  
03 = BUFF RED (Red Creole) 04 = PINKISH YELLOW (Ebenezer)  
05 = BROWNISH YELLOW (Mt. Danvers) 06 = DEEP YELLOW (Brigham Yellow Globe)  
07 = MEDIUM YELLOW (Early Yellow Globe) 08 = PALE YELLOW (Yellow Bermuda)  
09 = WHITE (White Sweet Spanish) 10 = OTHER (Specify) \_\_\_\_\_

Color (Interior): 1 = PINK 2 = RED 3 = PURPLISH-RED 4 = WHITE  
5 = CREAM 6 = LIGHT GREEN-YELLOW 7 = DARK GREEN-YELLOW

Scales: 1 = FEW (Crystal Wax) 2 = MEDIUM (Australian Brown U.C. No. 1) 3 = MANY (Sweet Spanish)

Scales: 1 = THICK (Australian Brown U.C. No. 1) 2 = MEDIUM (Red Creole) 3 = THIN (Crystal Wax)

Scale Retention: 1 = VERY GOOD (Australian Brn. U.S. No. 1) 2 = GOOD (Ebenezer)  
3 = FAIR (Red Wethersfield) 4 = POOR (Crystal Wax)

Pungence: 1 = MILD (Early Grano) 2 = MEDIUM (Crystal Wax) 3 = STRONG (White Creole)

Storage: 1 = GOOD (Ebenezer) 2 = FAIR (Yellow Globe Danvers) 3 = POOR (Crystal Wax)

## 7. DISEASE RESISTANCE (0 = Not Tested; 1 = Susceptible; 2 = Resistant)

BLACK MOLD  NECK ROT  PURPLE BLOTCH  SMUT  
 MILDEW  PINK ROOT  SMUDGE  YELLOW DWARF

## 8. INSECT RESISTANCE: (0 = Not Tested; 1 = Susceptible; 2 = Resistant)

THRIP  OTHER (Specify) \_\_\_\_\_

## 9. INDICATE A VARIETY THAT MOST CLOSELY RESEMBLES THAT SUBMITTED:

CHARACTER	NAME OF VARIETY	CHARACTER	NAME OF VARIETY
Leaf Height	NEW MEXICO WHITE GRANO	Flower Ball	NEW MEXICO WHITE GRANO
Leaf Color	NEW MEXICO WHITE GRANO	Bulb Color	NEW MEXICO WHITE GRANO
Leaf Bloom/Wax	NEW MEXICO WHITE GRANO	Bulb Size	NEW MEXICO WHITE GRANO
Flower Stalk	NEW MEXICO WHITE GRANO	Bulb Shape	NEW MEXICO WHITE GRANO
Maturity at Same Location	NEW MEXICO WHITE GRANO		

## REFERENCES

Jones, H. A. and Mann, L. K. 1963 - Onions and Their Allies, Interscience Publishers, Inc., New York

USDA Misc. Pub. No. 435, 1941 - Descriptions of Types of Principal American Varieties of Onions

Hayward, H. E., 1938 - The Structure of Economic Plants, McMillan, New York (Reprint 1967)

Ag Research, 7 (8):8 - Feb. 1959 - Branding Onion Outcasts

Salem, I. A. 1966 - Inheritance of Onion Bulb Shape, Iowa St. University - PhD. thesis

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EXHIBIT ~~B~~ D 167 790725  
BOTANICAL DESCRIPTION OF VARIETY

This onion is resistant to Pink Root (*Pyrenochaeta terrestris*) and common strain of Yellow Drawf. This is a single centered onion being a very large onion with the same shape and maturity of New Mexico White Grano. The top growth is the same as New Mexico White Grano and color of the leaf the same.

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EXHIBIT E

Statement of Basis of Applicant's ownership all the work and breeding was done at Dessert Seed Research Farm under the supervision of Dr. Jones, who is the head of our Research Program and under contract of Dessert Seed Company.

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PLANT VARIETY PROTECTION ASSIGNMENT

THIS PLANT VARIETY PROTECTION ASSIGNMENT ("Assignment") is made and entered into as of this \_\_\_\_ day of \_\_\_\_\_, 1994, ("Effective Date"), by and between Sunseeds Ltd., L.P., a Delaware limited partnership, ("Assignor"), and Sunseeds Company (formerly Sunseeds Acquisition Corporation), a Delaware corporation, ("Assignee").

WHEREAS, pursuant to a certain Asset Purchase Agreement dated March 7, 1994, Assignor has agreed to sell to Assignee substantially all of Assignor's assets used in the Assignor's business, including the United States Plant Variety Protection Certificates set forth on Schedule A attached hereto (the "PVP Certificates") and the foreign plant variety registrations set forth on Schedule B attached hereto (the "Foreign Registrations").

WHEREAS, Assignor is the sole and exclusive owner of the entire right, title and interest in, to and under the PVP Certificates and Foreign Registrations; and

WHEREAS, Assignee wishes to acquire and Assignor wishes to assign all right, title and interest in and to the PVP Certificates and Foreign Registrations.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor does hereby sell, assign, transfer and set over to Assignee, the entire right, title and interest in and to the PVP Certificates and Foreign Registrations, for the United States and for any foreign country, for its own use and enjoyment, and for



the use and enjoyment of its successors, assigns or other legal representatives, as fully and entirely as the same would have been held and enjoyed by Assignor if this Assignment and sale had not been made; together with all claims for damages by reason of past, present or future infringement or other unauthorized use of the plants protected by the PVP Certificates and Foreign Registrations, with the right to sue for, and collect the same for its own use and enjoyment, and for the use and enjoyment of its successors, assigns, or other legal representatives.

Assignor authorizes and requests the Department of Agriculture to record Assignee as owner of the PVP Certificates and assignee of the entire right, title and interest in, to and under the same, for the sole use and enjoyment of Assignee, its successors, assigns or other legal representatives.

Assignor authorizes and requests the Ministero Per Il Coordinamento Delle Politiche Alimentare Gest. Prod. Agricole and any other organization, department or agency with jurisdiction over registration of plant varieties to record Assignee as owner of the Foreign Registrations and assignee of the entire right, title and interest in, to and under the same, for the sole use and enjoyment of Assignee, its successors, assigns or other legal representatives.

Assignor shall provide Assignee, its successors, assigns or other legal representatives, reasonable cooperation and assistance at Assignee's request (such as the execution and

delivery of any and all affidavits, declarations, oaths, exhibits, assignments, powers of attorney or other documentation as may be reasonably required) in the implementation or perfection of this Assignment.

\* \* \* \* \*

IN TESTIMONY WHEREOF, the undersigned has caused this Assignment to be signed and executed this 31<sup>st</sup> day March, 1994.

Sunseeds Ltd., L.P.

By: Gerald M. Pack

Name: Gerald M. Pack

Title: President/CEO

STATE OF Pennsylvania  
COUNTY OF Allegheny ) SS.

On this 31<sup>st</sup> day of March, 1994, there appeared before me Gerald M. Pack, personally known to me to be the same person whose name is subscribed to the foregoing Assignment and who acknowledged that he signed the foregoing Assignment as his voluntary act and deed for the use and purpose therein set forth.

Sandra K. Pack  
Notary Public

Notarial Seal  
Sandra K. Pack, Notary Public  
Pittsburgh, Allegheny County  
My Commission Expires July 26, 1997  
Member, Pennsylvania Association of Notaries

## Assignment

## Schedule A

PLANT VARIETY PROTECTION CERTIFICATES

<u>Current Record Owner</u>	<u>PV#</u>	<u>Crop Kind</u>	<u>Name of Variety</u>	<u>Cert. Issue Date</u>	<u>Expiration Date</u>
A.L. Castle, Inc.	8100077	Tomato	Castlong ug	11/26/82	11/26/2000
	8100078	Tomato	Castlerock	11/26/82	11/26/2000
	8200139	Tomato	Castle Red	11/26/82	11/26/2000
ARCO Seed Co.	7900076	Onion	Colossal	10/18/79	10/18/96
	7900086	Onion	New Mexico White Grano PRR	10/18/79	10/18/96
	7900117	Onion	New Mexico Yellow Grano PRR	1/29/80	1/29/97
	8000039	Onion	Red Sunset	7/31/80	7/31/97
	8000040	Onion	Blanco Duro	7/31/80	7/31/97
	8000041	Onion	Brooks PRR	7/31/80	7/31/97
	8000159	Onion	Texspan PRR	6/11/81	6/11/99
	8000161	Onion	Early Grand PRR	7/30/81	7/30/99
	8100128	Onion	Glory	4/28/83	4/28/2001
	8100129	Onion	Paradise	4/28/83	4/28/2001
	8100130	Onion	Regal	4/28/83	4/28/2001
	8100166	Onion	Sweet Winter	11/26/82	11/26/2000
	8300083	Onion	Crystal Wax Pickling	12/30/83	12/30/2001
	8100001	Triticale	Jenkins	2/15/84	
	8200032	Triticale	Grace	11/15/81	
	8100150	Celery	Grande	1/13/83	
Sunseeds, Div. of Westseeds, Inc.	9100045	Tomato	Sun 6095	1/31/92	1/31/2010
Sunseeds Genetics, Inc.	7600052	Lettuce	Chaparral	5/16/77	5/16/94
	7600053	Lettuce	Costaverde	8/24/77	8/24/94
	7600054	Lettuce	Gustaverde	8/24/77	8/24/94
	7600055	Lettuce	Mesaverde	5/31/77	5/31/94
	7900067	Lettuce	Commander	7/26/79	7/26/96
	8500064	Tomato	Mystro	9/30/87	9/30/2005
	8700194	Tomato	Sun 1643	11/29/91	11/29/2009
	8900171	Cauliflower	White Diamond	4/18/89	
	8800057	Pepper	Prima Belle	9/30/88	9/30/2006
UF Genetics, Inc.	8300168	Okra	Cajun Queen	9/27/85	9/27/2003